

FR Part 175

Docket No. HM-166J; Notice No. 81-5]

Carriage of Tear Gas Devices Aboard Aircraft**AGENCY:** Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.**ACTION:** Notice of proposed rulemaking.

SUMMARY: The Hazardous Materials Regulations (HMR) forbid the carriage of tear gas devices aboard passenger-carrying aircraft. In response to requests from the Federal Aviation Administration and the general public, the MTB proposes to relax this prohibition in order to permit passengers and crewmembers to carry small personal protection devices, containing tear gases or pepper extracts, in checked baggage.

DATE: Comments must be received by September 9, 1981.

ADDRESS: Comments should identify the docket and be addressed to the Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Five copies are requested. The Dockets Branch is located in room 8426 of the Saf Building, 400 Seventh Street, N.W., Washington, D.C. Public dockets may be reviewed between the hours 8:30 a.m. and 5:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

Edward T. Mazzullo, Standards Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590, (202)426-2075.

SUPPLEMENTARY INFORMATION: The purpose of this proposed rulemaking is to provide relief to the travelling public with regard to the carriage aboard aircraft of personal protection devices containing tear gases. Small hand held protection devices containing small amounts of tear gas and other irritating materials are becoming an increasing problem at airports nationwide. Many of these devices are being discovered at airport screening points being carried by passengers travelling by air who, in many instances, are not aware that the Hazardous Materials Regulations (HMR) prohibit the transportation of tear gases, including devices, on passenger-carrying aircraft.

The HMR have historically forbidden carriage of tear gases on passenger-carrying aircraft because of the potential hazard posed to passengers and

crewmembers in the event of a release of such materials. The effects of tear gas on a person may include (dependent on type, concentration and length of exposure) a copious flow of tears, burning and involuntary closing of the eyes, stinging of the skin, irritation of the sinuses, coughing, respiratory distress and panic. High concentrations of certain tear gases are capable of causing nausea, vomiting and even death.

In recent years there has been a proliferation of hand held personal protection devices intended for use by the general public. The devices are, for the most part, aerosol dispensers containing a tear gas or pepper extract dissolved in a solvent and charged with a propellant gas. The solution is dispersed in the form of a cloud, mist, droplets or stream, depending upon design of the device. The tear gas component of the solution tends to be in very low concentrations of 2 percent or less. Due to the relatively low concentrations and small sizes of these devices, it is believed that under certain conditions, they can be safely carried aboard passenger-carrying aircraft. Therefore, in response to a number of requests, the MTB is proposing to relax existing provisions of the HMR to permit the transportation of small tear gas devices aboard passenger-carrying aircraft under specified conditions when carried by a passenger or crewmember in checked baggage.

The proposed rule addresses tear gas devices which are subject to the HMR as irritating materials and also devices containing pepper extracts which, although they do not meet the definition in 49 CFR 173.380 for irritating materials, are subject to the HMR when charged with a compressed gas. The proposed rule would permit a traveller to carry one device, capacity not to exceed 2 fluid ounces, in his checked baggage if the device is packaged so as to prevent accidental activation. A limit of one device of no more than two fluid ounces capacity is believed necessary in order to minimize the possibility of tear gas escaping from the baggage in which it is packaged in the event that an accidental release occurs during flight. The means by which the device must be packaged to prevent accidental activation has not been specified, in order to provide flexibility in packaging. Some of the devices are normally carried in cases (designed to attach to belts or key chains) which of themselves protect against activation. In other instances, additional packaging may be necessary

to protect against activation of the device. The proposal is limited to devices carried by passengers and crewmembers in their checked baggage to preclude commercial shipments of such devices on passenger-carrying aircraft.

In consideration of the foregoing, 49 CFR Part 175 would be amended as follows:

In § 175.10, paragraph (a)(15) would be added, as follows:

§ 175.10 Exceptions.

* * * * *

(a) * * *
(15) Personal protection devices consisting of tear gas or pepper extract solutions in aerosol type containers carried by crewmembers or passengers in checked baggage when—

(i) The capacity of the aerosol container does not exceed 2 fluid ounces (3.61 cubic inches);

(ii) The device is packaged in a manner which will prevent its accidental activation; and

(iii) No more than one such device is contained in any one item of checked baggage.

* * * * *

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1, and paragraph (a)(4) of Appendix A to Part 106)

Note.—The Materials Transportation Bureau has determined that this document will not result in a "major rule" under the terms of Executive Order 12291 and DOT procedures (44 FR 11034) nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et. seq.). A regulatory evaluation and an environmental assessment are available for review in the Docket. I certify that this proposed regulation, if published as a final rule, will not have a significant economic impact on a substantial number of small entities.

Issued in Washington, D.C. on July 31, 1981.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-23267 Filed 8-7-81; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF TRANSPORTATION**Research and Special Programs
Administration****49 CFR Parts 100 Through 199 (Ch. I)****Transport of Radioactive Materials;
Extension of Deadline for Comments
on Proposed Changes to International
Regulations**

AGENCY: Materials Transportation
Bureau, Research and Special Programs
Administration, DOT.

ACTION: Extension of time for public
comment.

SUMMARY: This notice extends the
public comment period on the
International Atomic Energy Agency's
(IAEA) proposed 1983 revision to its
"Regulations for the Safe Transport of
Radioactive Materials, Safety Series No.
6."

DATE: Comments should be received by
August 21, 1981.

ADDRESS: Send comments to Dockets
Branch, Materials Transportation
Bureau, U.S. Department of
Transportation, Washington, D.C. 20590.
Comments should be submitted in five
copies. The Dockets Branch is located in
Room 8426 of the Nassif Building, 400
7th Street, SW., Washington, D.C. 20590.
Office hours are 8:30 a.m. to 5:00 p.m.,
Monday through Friday. Telephone (202)
426-3148.

FOR FURTHER INFORMATION CONTACT:
R. R. Rawl, Office of Hazardous
Materials Regulation, Materials
Transportation Bureau, U.S. Department
of Transportation, 400 Seventh Street,
SW., Washington, D.C. 20590, telephone
202-426-2311.

SUPPLEMENTARY INFORMATION: On May
7, 1981 (46 FR 25491), MTB published
notice of the availability of a "First
Draft Revision" of the IAEA

"Regulations for the Safe Transport of
Radioactive Materials" which is
scheduled for adoption in 1983. This
notice included a request for public
comment on this document.

After the notice was published, MTB
received the "Second Draft Revision" of
the IAEA regulations which consisted of
the "First Draft Revision" complete with
the revised fissile material proposed
requirements. This more complete
second draft was subsequently
distributed to requestors instead of the
earlier first draft.

Due to the complexity of the proposed
regulations, MTB believes that it is
appropriate to provide additional time
for comments to be developed and
received. Consequently, the comment
period is extended until August 21, 1981.

Issued in Washington, D.C. on August 3,
1981.

J. T. Horning,

*Acting Associate Director for Hazardous
Materials Regulation, Materials
Transportation Bureau.*

[FR Doc. 81-23266 Filed 8-7-81; 8:45 am]

BILLING CODE 4910-60-M